IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 11025 of 2004

Between:

Jakkula Mariyamma W/o. Late Ramudu
H.No.2-2-127/7 Vijayapuri Colony,Uppal Hyderabad.

..... PETITIONER

AND

1 The Inspector of Police Keesara Police Station, Cyderabad.
2 Muthyam Reddy S/o. Not known
Chakkiripuri, Nagaram, Keesara Mandal Ranga Reddy District.
3 S.Srinivasulu, R/o. Edulabad, Ghatkesar Mandal Ranga Reddy District.
4 The Superintendent Gandhi Hospital Hyderabad
5 The Superintendent of Police CB, CID, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring that the action of the respondent No.1 in not investigating into the case in Crime No.127 of 2004 of Keesara Police Station, Cyberabad as an offence under section 302 I.P.C as illegal, arbitrary and violative of principles of natural Justice and consequently direct the 5th respondent to conduct further investigation into the case in Crime No.127/2004 of Keesara Police Station, Cyberabad.

Counsel for the Petitioner: MR.T.PRADYUMNA KUMAR REDDY

Counsel for the Respondent No.: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the first respondent in not investigating into the case in crime No.127 of 2004 of Keesara Police Station, Cyberabad, for the offence under Section 302 of the Indian Penal Code, is arbitrary and illegal.

The petitioner alleges that her husband was beaten and done to death by the respondents 2 and 3, but the respondents 2 and 3 in collusion with the respondent No.1 have been attempting to make out a case that her husband died in an accident. It is also alleged that the 1st respondent has been treating the offence under Section 304-A of the Indian Penal Code and not taking appropriate steps against the respondents 2 and 3.

The first respondent-the Inspector of Police, Keesara Police Station, Cyberabad, filed a counter affidavit stating that on the basis of the complaint given by one J.Suresh, a case in Crime No.127 of 2004 was registered on 19.06.2004 for the offence under Section 302 of the Indian Penal Code on the file of Keesara Police Station and further investigation is pending. It is further stated that so far no evidence is found *prima facie* to establish the said offence against the respondents 2 and 3 and as such they have not been arrested. It is also stated that they are proceeding with the investigation in Crime No.127 of 2004 strictly in accordance with the provisions of law and all the allegations contra made by the petitioner are incorrect and without any basis.

In view of what has been stated in the counter affidavit and particularly since the crime No.127 of 2004 has been registered for the offence under Section 302 of the Indian Penal Code and the investigation is still pending, no adjudication deserves to be made on merits except directing the respondent No.1 to complete the investigation and to take the necessary further steps in accordance with law expeditiously. In case the petitioner would have any further grievance, the petitioner will be at liberty to initiate appropriate proceedings by working out the appropriate remedy as available under law.

Accordingly, the writ petition is disposed of. No costs.

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08-11-2004

klp

To

1 The Inspector of Police Keesara Police Station, Cyderabad.
2 The Superintendent Gandhi Hospital Hyderabad
3 The Superintendent of Police CB, CID, Hyderabad.

4. 2CCs to G.P. for Home, High Court buildings, Hyderabad.(OUT).

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